



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

ELIZABETH M. DAITZ
Assistant Corporation Counsel
phone: (212) 788-0775
fax: (212) 788-9776
edaitz@law.nyc.gov

March 12, 2010

BY ECF

The Honorable Frederic Block
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Esther Garcia v. City of New York, et al.
09 CV 4188 (FB)(JO)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York, attorney for defendants in the above-referenced matter. I write to advise the Court that the parties have reached an agreement to settle this matter for the sum of Seventeen Thousand (\$17,000) Dollars, inclusive of all claims, including claims for costs, expenses and attorneys' fees. Enclosed herein please find a fully executed Stipulation and Order of Settlement and Dismissal for Your Honor's endorsement and filing with the Clerk of the Court.

Thank you for your consideration.

Respectfully submitted,
/s/

Elizabeth M. Daitz
Assistant Corporation Counsel

cc: Nicole Bellina, Esq. (via ECF)
Stoll, Glickman & Bellina
Attorneys for plaintiff

Honorable James Orenstein (via ECF)
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
ESTHER GARCIA,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER MATEO,
POLICE OFFICER JOSEPH SCHROECK, SERGEANT
HENG PEOU, SERGEANT ALAN MYRTHIL AND
JOHN DOE #1,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

09 Civ. 4188 (FB)(JO)

Defendants.
----- x

WHEREAS, plaintiff commenced this action by filing a complaint on or about September 29, 2009, alleging that certain of her federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiff has authorized her counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff ESTHER GARCIA the sum of **Seventeen Thousand Dollars (\$17,000.00)** in full satisfaction of all claims, including claims for costs, expenses, and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants City of New York, Stanley Mateo, Joseph Schroeck, Heng Peou and Alan Myrthil, and to release the defendants and any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effectuate this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above, and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.


5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
February 23, 2010

Nicole Bellina, Esq.
Attorney for Plaintiff
Stoll, Glickman and Bellina, LLP
71 Nevins Street
Brooklyn, NY 11217
(718) 852-3710

By: _____
Nicole Bellina, Esq.

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York,
Stanley Mateo, Joseph Schroeck, Heng Peou
and Alan Myrthil*
100 Church Street, Room 3-218
New York, New York 10007
(212) 788-0775

By: _____
Elizabeth M. Daitz
Assistant Corporation Counsel

SO ORDERED:

Honorable Frederic Block
United States District Judge